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FINDLAW DAILY OPINION SUMMARIES U.S. 1ST CIRCUIT COURT OF APPEALS

Criminal Law & Procedure, Sentencing

US v. St. Hill, No. 13-2097

Sentencing of defendant for distribution of oxycodone is affirmed, where: 1) other uncharged drug sales were relevant to determining defendant's guideline sentencing range; and 2) there was no plain error in the district court's method of finding that prior uncharged drug sale conduct was part of the same course of conduct as the offense of conviction.

Contracts

Foodmark, Inc. v. Alasko Foods, Inc., No. 13-2188

In this contract dispute, the district court found that, in accordance with contractual obligations, defendant Alasko owed plaintiff Foodmark a "Non-Renewal Termination Fee" when it decided to part ways with Foodmark. Summary judgment in favor of Foodmark is affirmed, where Alasko's contractual obligations are clear, and the record reveals no genuine issue of fact for trial.

Labor & Employment Law

Solis v. Lorraine Enterprises, Inc., No. 13-1685

In this federal minimum wage case, the Secretary of Labor charges that a restaurant took advantage of the reduced minimum wage exception without complying with the requirements. Summary judgment in the Secretary's favor against the restaurant and individual defendants is affirmed, where: 1) waiters had not received proper notice of the restaurant's intent to credit their tips against the minimum wage; 2) deductions taken from waiters' pay are invalid for Fair Labor Standards Act purposes; and 3) defendants admitted a string of material facts strongly suggestive of individual liability.